

AO 440 (Rev 1/90) Summons in

# United States District Court

SOUTHERN

NEW YORK

DISTRICT OF

MASON TENDERS DISTRICT COUNCIL  
WELFARE FUND, et al.,

Plaintiffs,

## SUMMONS IN A CIVIL ACTION

V.

CASE NUMBER: 07 CV

CHAMPION CONSTRUCTION CORP.

Defendants.

**07 CIV 3931**

TO: (Name and Address of Defendant)

CHAMPION CONSTRUCTION CORP.  
941 FOREST AVENUE  
STATEN ISLAND, NEW YORK 10310

**YOU ARE HEREBY SUMMONED** and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

GORLICK, KRAVITZ & LISTHAUS, P.C.  
17 STATE STREET, 4TH FLOOR  
NEW YORK, NEW YORK 10004

20

an answer to the complaint which is herewith served upon you, within \_\_\_\_\_ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

**J. MICHAEL McMAHON**

**MAY 21 2007**

CLERK

DATE



BY DEPUTY CLERK

## RETURN OF SERVICE

**Service of the Summons and Complaint was made by me<sup>1</sup>**

DATE \_\_\_\_\_

NAME OF SERVER (PRINT)

**TITLE**

**Check one box below to indicate the appropriate method of service:**

- ☐ Served personally upon the defendant. Place where served: \_\_\_\_\_
- \_\_\_\_\_
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion than residing therein.
- ☐ Name of person with whom the summons and complaint were left: \_\_\_\_\_
- Returned unexecuted: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- ☐ Other (specify): \_\_\_\_\_
- \_\_\_\_\_

## STATEMENT OF SERVICE FEES

## TRAVEL

## SERVICES

TOTAL

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_  
*Date* *Signature of Server*

**Address of Server**

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedures.



**Demovsky Law Service**  
Premier Nationwide Document Retrieval  
and Process Service Company

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MASON TENDERS DISTRICT COUNCIL  
WELFARE FUND, et al.,

Plaintiff,

-against-

AFFIDAVIT OF SERVICE  
07 CV 3931

CHAMPION CONSTRUCTION CORP.,

Defendant.

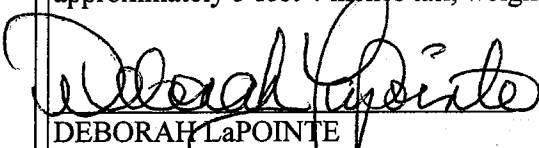
-----X  
STATE OF NEW YORK )  
S.S.:  
COUNTY OF ALBANY )

DEBORAH LaPOINTE, being duly sworn, deposes and says that she is over the age of eighteen years, is employed by the attorney service, D.L.S., INC., and is not a party to this action.

That on the 24<sup>TH</sup> day of May, 2007, at approximately the time of 12:30P.M., at the office of the Secretary of State, of the State of New York in the City of Albany, New York, deponent served the SUMMONS AND COMPLAINT AND JUDGES' RULES upon CHAMPION CONSTRUCTION CORP., the defendant in this action, by delivering to and leaving with DONNA CHRISTIE an agent of the Secretary of State, of the State of New York, two true copies thereof and at that time of making such service deponent paid said Secretary of State a fee of forty dollars. That said service was made pursuant to Section, 306 Business Corporation Law.

Deponent further says that she knew the person so served as aforesaid to be the individual in the Office of the Secretary of State of New York, duly authorized to accept such service on behalf of said defendant.

DONNA CHRISTIE is a white female, approximately 45 years of age, stands approximately 5 feet 4 inches tall, weighs approximately 135 pounds with blonde hair and blue eyes.

  
DEBORAH LaPOINTE  
Sworn to before me this  
24<sup>TH</sup> day of May, 2007

D.L.S., Inc.  
100 State St.  
Ste 220  
Albany, NY 12207  
800-443-1058  
www.dlsny.com

NOTARY PUBLIC

Frank J. Panucci  
Notary Public-State of NY  
Qualified in Albany Co.  
No. 4721156  
Comm. Expires July 31, 2010